

IN RE: PETITION FOR VARIANCE	* BEFORE THE
SE/S Lillian Holt Drive, 450'	
NE of the c/l of Kenwood Avenue	* ZONING COMMISSIONER
(5598 Trumps Mill Road)	
14th Election District	* OF BALTIMORE COUNTY
6th Councilmanic District	
	* Case No. 96-249-A
Gardens of Faith Cemetery	
Petitioner	*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for that property known as 5598 Trumps Mill Road, located in the vicinity of Lillian Holt Drive and Kenwood Avenue, near Overlea. The Petition was filed by the owner of the property, Gardens of Faith Cemetery, by Sara Rex, Manager, through their attorney, Deborah C. Dopkin, Esquire. The Petitioner seeks relief from Section 413.1.E.1 of the Baltimore County Zoning Regulations to permit an identification sign of 40 sq.ft. per face (80 sq.ft. total) in lieu of the maximum permitted 15 sq.ft. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Sarah Rex, Manager of the Gardens of Faith Cemetery, property owner, David Martin, Professional Engineer with George W. Stephens, Jr. and Associates, Inc., who prepared the site plan for this property, and Deborah C. Dopkin, Esquire, attorney for the Petitioner. There were no Protestants present.

Testimony and evidence offered revealed that the subject property is the site of the Gardens of Faith Cemetery, which comprises approximately 96 acres in area, zoned D.R. 3.5. The Cemetery has been at this location for many years and is a familiar landmark in eastern Baltimore County.

ORDER RECEIVED FOR FILING
 Date 11/31/96
 By [Signature]

Testimony indicated there have been approximately 19,000 burials at the site. As can be seen from the site plan, the property lies on the north-east side of the intersection of Lillian Holt Drive and Trumps Mill Road, and abuts the south side of the Baltimore Beltway. Petitioner's Exhibit 1 shows the various sections of the Cemetery and the surrounding locale.

Additional testimony revealed that vehicular access to the site has been primarily through Trumps Mill Road. However, a new entrance to the site was recently opened from Lillian Holt Drive, a major four-lane roadway which essentially runs from Kenwood Avenue to Silver Spring Road in Perry Hall. Thus, the Petitioner proposes to construct the subject sign to identify the new entrance. A sign elevation drawing depicted on the site plan shows the proposed sign to be an attractive sign supported by two brick pillars. In my view, the sign appears entirely consistent with the property's use and the character of the surrounding locale, and therefore, should be granted. It is also to be noted that there were no adverse comments submitted by any Baltimore County reviewing agency.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

11/31/96
[Signature]

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28
(1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare and is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 31st day of January, 1996 that the Petition for Variance seeking relief from Section 413.1.E.1 of the Baltimore County Zoning Regulations to permit a business identification sign of 40 sq.ft. per face (80 sq.ft. total) in lieu of the maximum permitted 15 sq.ft. sign, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their sign permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as

1/31/96
[Signature]



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

January 31, 1996

Deborah Dopkin, Esquire
Rosolio, Silverman & Kotz
502 Washington Avenue, Suite 220
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
SE/S Lillian Holt Drive, 450' NE of the c/l of Kenwood Avenue
(5598 Trumps Mill Road)
14th Election District - 6th Councilmanic District
Gardens of Faith Cemetery - Petitioner
Case No. 96-249-A

Dear Ms. Dopkin:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Ms. Sarah Rex, Manager, Gardens of Faith Cemetery
5598 Trumps Mill Road, Baltimore, Md. 21236

People's Counsel

File

MICROFILMED

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR., & ASSOCIATES, INC.
ENGINEERS
658 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204

December 1, 1995

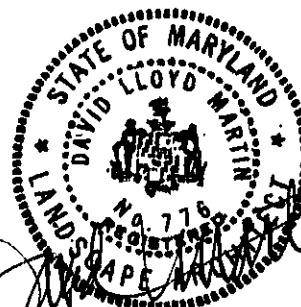
96-249-A

ZONING DESCRIPTION OF
GARDENS OF FAITH CEMETERY
5598 TRUMPS MILL ROAD
14TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

Beginning at a point on the southeast side of Lillian Holt Drive (70 feet wide) at the intersection with the northeast side of Trumps Mill Road (30 feet wide); thence running along the southeast side of Lillian Holt Drive, (1.) North $06^{\circ} 47' 57''$ East 15.17 feet, (2.) by a curve to the left, having a radius of 714.07 feet, and an arc length of 297.18 feet, and (3.) North $36^{\circ} 48' 20''$ East 2,283.49 feet to a point; thence running (4.) South $62^{\circ} 59' 21''$ East 484.48 feet to a point on the southwest side of the Baltimore Beltway; thence running along said southwest side, (5.) South $34^{\circ} 16' 29''$ East 262.40 feet, (6.) South $36^{\circ} 18' 20''$ East 451.28 feet and (7.) South $31^{\circ} 44' 25''$ East 216.29 feet to a point; thence running (8.) South $18^{\circ} 16' 29''$ West 406.77 feet, (9.) South $03^{\circ} 47' 05''$ East 354.30 feet, (10.) South $18^{\circ} 16' 29''$ West 1,327.26 feet, (11.) South $18^{\circ} 16' 29''$ West 30.87 feet to a point in the centerline of Trumps Mill Road, (12.) South $18^{\circ} 16' 29''$ West 35.48 feet, (13.) North $62^{\circ} 59' 21''$ West 2,051.68 feet, (14.) North $25^{\circ} 25' 39''$ East 23.29 feet, (15.) North $64^{\circ} 34' 21''$ West 87.47 feet, (16.) by a curve to the right, having a radius of 263.00 feet, and an arc length of 101.10 feet to the point of beginning. Containing 96.44 gross acres of land, more or less.

This description is for zoning purposes only and not to be used for conveyances or agreements.

250



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

96-249-A

District 14th

Date of Posting

1/5/96

Posted for:

Varone

Petitioner:

Gordon of Faith Community

Location of property:

5398 Trumb Mill Rd.

Location of Signs:

At entrance to property both road & driveway

Remarks:

Posted by

M. H. Kelly
Signature

Date of return:

1/12/96

Number of Signs:

1



RECEIVED

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #95-249-A
(Item 250)

5558 Trumps Mill Road
Gardens of Faith Cemetery
SE/S Lillian Holt Drive, 450' +/-
NE of 61st Kenwood Avenue
14th Election District
6th Comanche

Legal Owner(s):
Gardens of Faith Cemetery

variance to permit a sign
having an area of 40 sq. ft. per
face for a total area of 80 sq.
ft.) in favor of the proposed 15
sq. ft.
Hearing: Tuesday, January 30,
1996 at 9:30 a.m. in Rm. 118,
Old Courthouse.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible for
special accommodations
Please Call 887-3353.

(2) For information concern-
ing the file and/or Hearing,
Please Call 887-3391.

7/05 Jan 11 C26106

CERTIFICATE OF PUBLICATION

TOWSON, MD., 11/5, 1996

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of 1 successive
weeks, the first publication appearing on 11/11, 1996

THE JEFFERSONIAN,

A. H. [Signature]
LEGAL AD. - TOWSON

#250

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 011171

96-249-A

DATE 12-19-95 ACCOUNT R001-6150

AMOUNT \$ 285.00

RECEIVED FROM: GARDEN OF EDEN 5578 Trumps Mills Rd.

FOR: UIC. (020) 250.00
Pestins (080) 35.00

[Handwritten signature]

285.00

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER
VALIDATION OR SIGNATURE OF CASHIER



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 250 Petitioner: GARDENS of FAITH
By: SARAH PEX.

Location: 5598 TRUMPS MILL RD.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: DEBORAH DOPKINS

ADDRESS: PO BOX 502 SILVERMAN FARM P.A.
502 WASH. AVE. #220

PHONE NUMBER: 339-7100



TO: PUTUXENT PUBLISHING COMPANY
January 11, 1996 Issue - Jeffersonian

Please forward billing to:

Deborah C. Dopkin, Esq.
502 Washington Avenue #220
Towson MD 21204
339-7100

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-249-A (Item 250)
5598 Trumps Mill Road
Gardens of Faith Cemetery
SE/S Lillian Holt Drive, 450'+/- NE of c/l of Kenwood Avenue
14th Election District - 6th Councilmanic
Legal Owner: Gardens of Faith Cemetery

Variance to permit a sign having an area of 40 sq. ft. per face (for a total area of 80 sq. ft.) in lieu of the permitted 15 sq. ft.

HEARING: TUESDAY, JANUARY 30, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED



Baltimore County
Department of Permits and
Development Management

Permits and Licenses
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3900
Fax: (410) 887-2824

January 23, 1996

Deborah C. Dopkin, Esquire
Rosolio, Silverman & Kotz, P.A.
502 Washington Avenue, #220
Towson, MD 21204

RE: Item No.: 250
Case No.: 96-249-A
Petitioner: Gardens of Faith
Cemetery

Dear Ms. Dopkin:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on December 19, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

MICROFILMED





**Maryland Department of Transportation
State Highway Administration**

David L. Winstead
Secretary
Hal Kassoff
Administrator

12-29-95

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 250 (JCM)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for *Bob Small*
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: January 5, 1996

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item 243, 244, 245, 246, 247, 249 and 250

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Jeffrey W Long

Division Chief:

Carol L Kerns

PK/JL

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 12/29/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF JAN. 2, 1996.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

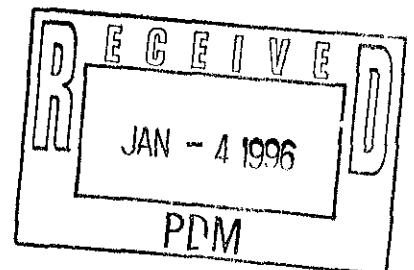
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 250, 251 AND 252.

MICROFILMED

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management
Date: January 22, 1996

FROM: *RWB* Robert W. Bowling, Chief
Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Item No. 250 and 252 for January 8, 1996

The Development Plans Review Division has received the subject zoning items and we have no comments.

RWB:bb
cc: File

MICROFILMED

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD. 21204

(410) 887-4386

May 3, 1995

Deborah C. Dopkin, Esquire
Rosolio, Silverman & Kotz, P.A.
502 Washington Avenue, Suite 220
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
NE/Corner Trumps Mill Road and Lillian Holt Drive
(5598 Trumps Mill Road)
14th Election District - 6th Councilmanic District
Gibraltar Mausoleum Corporation - Petitioner
Case No. 95-332-SPH

Dear Ms. Dopkin:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours, .

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Joseph J. Guidroz, Manager of Architecture,
Gibraltar Mausoleum Corp., 9102 N. Meridian Street, Suite 300,
Indianapolis, Indiana 46260

People's Counsel

File



IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
NE/Corner Trumps Mill Road and *
Lillian Holt Drive * DEPUTY ZONING COMMISSIONER
(5598 Trumps Mill Road) *
14th Election District * OF BALTIMORE COUNTY
6th Councilmanic District * Case No. 95-332-SPH
Gibraltar Mausoleum Corporation *
Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing for that property known as 5598 Trumps Mill Road, located in the vicinity of Rossville. The Petition was filed by the owner of the property, Gibraltar Mausoleum Corporation, by Joseph J. Guidroz, Manager of Architecture, through their attorney, Deborah C. Dopkin, Esquire. The Petitioner seeks approval of an amendment to the last approved site plan in Case No. 94-13-SPHA to permit the addition of mausoleum buildings. The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Joseph J. Guidroz, Jim Kline, Professional Engineer with G. W. Stephéns, Jr. and Associates, Inc., and Deborah Dopkin, Esquire, attorney for the Petitioner. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 96.33 acres, more or less, zoned D.R. 3.5 and is the site of the Gardens of Faith Cemetery. This property has been the subject of prior Case Nos. 2900-S, 65-23-SPH, 84-144-SPHA and 94-13-SPHA, in which approval of the cemetery and modifications thereto were approved. The Petitioner now comes before me seeking an amendment to the site plan

approved in Case No. 94-13-SPHA to permit the addition of eight (8) mausoleum buildings and one (1) chapel to existing facilities, in accordance with Petitioner's Exhibit 1. The proposed buildings are more particularly described in architectural drawings submitted into evidence as Petitioner's Exhibits 4A, 4B and 4C. In order to proceed with the proposed improvements, the previously approved site plan for this property must be amended accordingly.

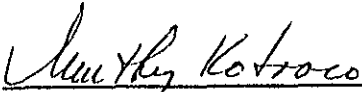
After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. The proposed amendment to the site plan will not result in any detriment to the health, safety, and general welfare of the surrounding locale and meets the requirements for special exception relief set forth in Section 502.1 of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 3rd day of May, 1995 that the Petition for Special Hearing seeking approval of an amendment to the site plan approved in Case No. 94-13-SPHA to permit the addition of mausoleum buildings, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

IT IS FURTHER ORDERED that the Petitioner shall have five (5) years from the date of this Order in which to utilize the special hearing relief granted herein.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

RE: PETITION FOR VARIANCE
5598 Trumps Mill Road (Gardens of Faith
Cemetery), SE/S Lillian Holt Drive,
450'+/- NE of c/l of Kenwood Avenue
14th Election District, 6th Councilmanic

Gardens of Faith Cemetery
Petitioner

* * * * *

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
*
* CASE NO. 96-249-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of January, 1996, a copy of the foregoing Entry of Appearance was mailed to Deborah C. Dopkin, Esquire, 502 Washington Avenue, Suite 220, Towson, MD 21204, attorney for Petitioner.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

RECORDED

MEMORANDUM

- I. Case No. 2900-S - Application for Special Permit for Use as a Cemetery or Burial Grounds

ORDER, dated May 16, 1954 by Wilsie H. Adams, Zoning Commissioner, granted application subject to a setback of one hundred (100) feet for any building or structure and/or grave or place of temporary or permanent interment from the western most boundary of said property and fifty (50) feet from the southern most outline of said property bordering Trump Mill Road.

Property then consisted of approximately One Hundred Twenty-three (123) acres

AMENDED ORDER, dated May 24, 1954, granted application subject to a setback for any building or structure and/or grave or place of temporary or permanent interment of at least one hundred (100) feet from the westernmost outline and of at least one hundred (100) feet from the southernmost outline of the property bordering Trump Mill Road.

- II. Case No. 65-23-SPH - Petition for Special Hearing to Reduce Restrictive Setback Line from 100 feet to 10 feet for the land along Trump Mill Road

OPINION AND ORDER, dated July 30(?), 1964, by John G. Rose, Zoning Commissioner, reducing restricted setback along the southernmost boundary to twenty (20) feet from the existing right-of-way for Trumps Mill Road. Acreage of cemetery reduced by construction of Baltimore Beltway by about eight (8) acres.

- III. Correspondence, 1978 - from Eric S. DiNenna, Zoning Commissioner to Larry Shirley, Acme Marble & Granite Co., Inc.

WILSON

Letter responded to request for clarification of setback adjacent to Reservoir Road, determining that the required setback was one hundred (100) feet, and referencing only Case No. 2900-S. III. Case No. 84-144-SPHA - Petition for Special Hearing to Amend the Site Plan previously approved in Case No. 2900-S to approve the construction of additional mausoleums; and Petition for Zoning Variance from Section 1B02.2.B to permit a distance between buildings of 28 feet instead of the required 100 feet (to allow building attachments by a fence instead of a required wall or breezeway).

ORDER, dated March 16, 1984, by Jean M.H. Jung, Deputy Zoning Commissioner, granting Special Hearing to Amend the Site Plan filed in Case 2900-S to permit construction of additional mausoleums and subject to conditions that:

1. The site plan indicate the maintenance building and;
2. A revised site plan incorporating the above restrictions be submitted and approved by the Office of Planning. and

ORDER, dated March 16, 1984, by Jean M.H. Jung, Deputy Zoning Commissioner, granting the Petition for Variances to permit a distance between buildings of 28 feet in lieu of the required 100 feet, subject to conditions contained in Special Hearing Order, above.

There was considerable community opposition to this Petition based on correspondence in the file.

IV. Case No. 94-13 SPHA - Petition for Special Hearing to expand service area of the cemetery and to confirm the actual on-site placement of the existing office, maintenance buildings and existing garage as shown on the Plan attached; and to modify Cases 2900-S and 65-23-SPH. (Please note: this case does not reference Case 84-144.)

ORDER, dated August 11, 1993, by Lawrence E. Schmidt, Zoning Commissioner, pursuant to Findings of Fact and Conclusions of Law, granted the variances requested, granted the Petition for Special Hearing approving an expansion of the service area and a confirmation of the actual on-site placement of the existing office, maintenance building and existing garage building, and approved a modification of the prior Case Nos. 2900-S and 65-23-SPH.

The area of site is shown as 96.33 acres, zoned DR 3.5. The Petition also requested numerous variances (see Exhibit A, attached) relating to a new office building, related parking and existing metal garage, the existing maintenance and office building and parking lot.

1/22/96
f

IN RE: PETITION FOR VARIANCE	* BEFORE THE
5598 Trumps Mill Road	* ZONING COMMISSIONER
SE/S Lillian Holt Drive	* OF
450' NE of c/l of Kenwood Ave.	* BALTIMORE COUNTY
14th Election District,	* Case No. 96-249-A
6th Councilmanic District	*
Gardens of Faith Cemetery	*
Petitioner	*
	*

SUBPOENA

TO: Rahee J. Famili
Department of Permits and Development Management
Development Plans Review
111 W. Chesapeake Avenue
Towson, Maryland 21204
Mail Stop: 1105

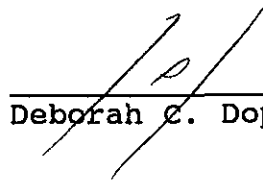
YOU ARE HEREBY COMMANDED TO PERSONALLY APPEAR before the
Zoning Commissioner of Baltimore County at 9:00 a.m., Tuesday,
January 30, 1996 in Room 118, Old Courthouse, Towson, Maryland.

This Subpoena is requested by Petitioner; any questions
should be referred to Deborah C. Dopkin, Esquire, Rosolio,
Silverman and Kotz, P.A., Suite 220, Nottingham Centre, 502
Washington Avenue, Towson, Maryland 21204, (410) 339-7100.

Date Issued: <u>1/18/96</u>	<u><i>Anthony Kotz</i></u> Zoning Commissioner for Baltimore County
-----------------------------	---

CERTIFICATION OF MAILING

I HEREBY CERTIFY, that on this 18th day of January, 1996, a copy of the foregoing Subpoena, was hand delivered and a copy mailed, postage prepaid to Rahee J. Famili, Department of Permits and Development Management, Development Plans Review, 111 W. Chesapeake Avenue, Towson, Maryland 21204.



Deborah C. Dopkin

ded\zoning\forms\subpoena

LAW OFFICES
ROSOLIO, SILVERMAN & KOTZ, P. A.
SUITE 220, NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4513

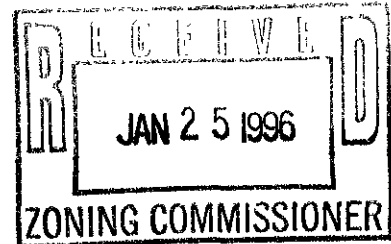
*Larry's
case
file*

DEBORAH C. DOPKIN

TELEPHONE 410-339-7100
FAX NO. 410-339-7107

January 18, 1996

Ms. Gwen Stephens
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, Maryland 21204



RE: Case No. 96-249-A
Gardens of Faith Cemetery

Dear Ms. Stephens:

Please include a copy of the enclosed Subpoena, which has been personally served on Mr. Famili, in the Zoning Commissioner's file for the above captioned case. Thank you.

Very truly yours,

151

Deborah C. Dopkin

DCD/kmc

Enclosure

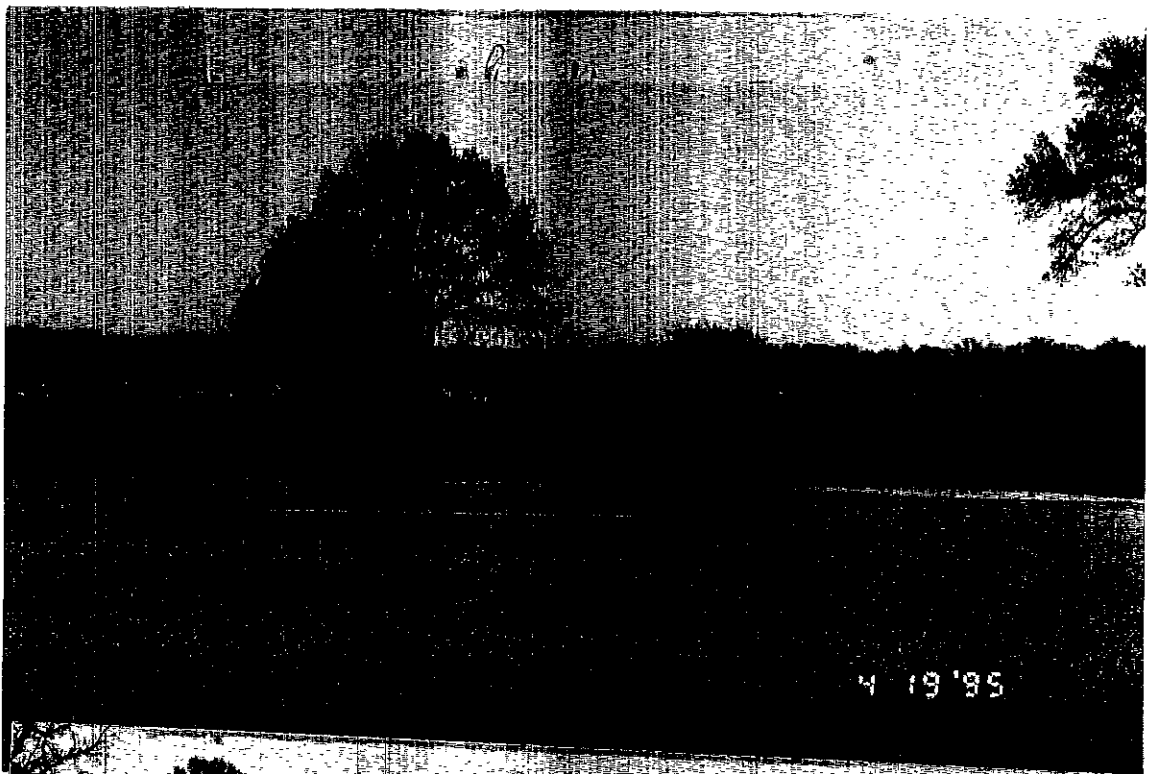
cc: Deputy Zoning Commissioner for Baltimore County

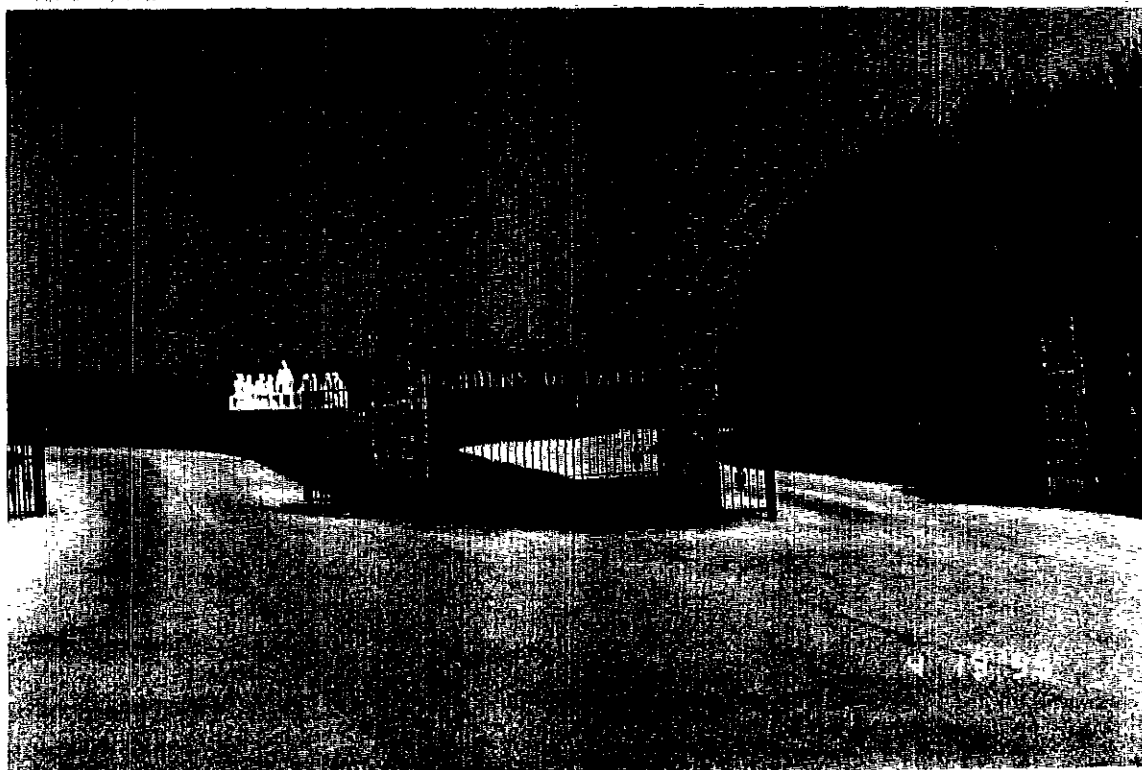
MICROFILMED

Petitioner's
Exhibit 2A-20
or 4A 5/B

96-249-A
photograph

With 4A 5/B removed





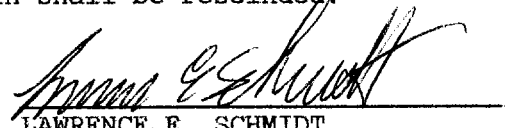


Plot 4B



Plot 4A

the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING

Date

1/31/96

By





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 5598 Trumps Mill Road

96-249-A

which is presently zoned D.R. 3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 413.1E1 to permit a sign having an area of 40 square feet per face (for a total area of 80 square feet) in lieu of the permitted 15 square feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Practical difficulty and such other reasons which will be presented at the hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

Deborah C. Dopkin

(Type or Print Name)

Signature

Rosolio, Silverman & Kotz, P.A.
502 Washington Avenue, #220

Address

Dowson, MD 21204 (339-7100)

City

State

Zipcode

Printed with Soybean Ink
on Recycled Paper

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s): Gardens of Faith Cemetery

By: Sarah Rex, MNGR.

(Type or Print Name)

Signature

(Type or Print Name)

Signature

5598 Trumps Mill Rd 668-1086
Address Phone No.

BALTO MD 21204
City State Zipcode

Name, Address and phone number of representative to be contacted.

Name

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing → 1/31-2/6 ATTY.

the following dates Next Two Months

ALL OTHER

REVIEWED BY: Jen DATE 12-19-95

#250

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

PLEASE PRINT CLEARLY

BALTIMORE COUNTY REPRESENTATIVES
SIGN-IN SHEET

NAME

ADDRESS

SARAH REX

600 SQUIREL LN 3E

BEL AIR MD 21014

DAVID MARTIN-GUNZ

658 KENILWORTH DR. TOWSON 21204

Deborah Dopkin

502 WASHINGTON AVE 21204

IN RE: PETITION FOR VARIANCE
SE/S Lillian Holt Drive, 450'
NE of the c/l of Kenwood Avenue
(5598 Trumps Mill Road)
14th Election District
6th Councilmanic District
Gardens of Faith Cemetery
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-249-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for that property known as 5598 Trumps Mill Road, located in the vicinity of Lillian Holt Drive and Kenwood Avenue, near Overlea. The Petition was filed by the owner of the property, Gardens of Faith Cemetery, by Sara Rex, Manager, through their attorney, Deborah C. Dopkin, Esquire. The Petitioner seeks relief from Section 413.1.E.1 of the Baltimore County Zoning Regulations to permit an identification sign of 40 sq.ft. per face (80 sq.ft. total) in lieu of the maximum permitted 15 sq.ft. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Sarah Rex, Manager of the Gardens of Faith Cemetery, property owner, David Martin, Professional Engineer with George W. Stephens, Jr. and Associates, Inc., who prepared the site plan for this property, and Deborah C. Dopkin, Esquire, attorney for the Petitioner. There were no Protestants present.

Testimony and evidence offered revealed that the subject property is the site of the Gardens of Faith Cemetery, which comprises approximately 96 acres in area, zoned D.R. 3.5. The Cemetery has been at this location for many years and is a familiar landmark in eastern Baltimore County.

Testimony indicated there have been approximately 19,000 burials at the site. As can be seen from the site plan, the property lies on the north-east side of the intersection of Lillian Holt Drive and Trumps Mill Road, and abuts the south side of the Baltimore Beltway. Petitioner's Exhibit 1 shows the various sections of the Cemetery and the surrounding locale.

Additional testimony revealed that vehicular access to the site has been primarily through Trumps Mill Road. However, a new entrance to the site was recently opened from Lillian Holt Drive. A major four-lane roadway which essentially runs from Kenwood Avenue to Silver Spring Road in Perry Hall. Thus, the Petitioner proposes to construct the subject sign to identify the new entrance. A sign elevation drawing depicted on the site plan shows the proposed sign to be an attractive sign supported by two brick pillars. In my view, the sign appears entirely consistent with the property's use and the character of the surrounding locale, and therefore, should be granted. It is also to be noted that there were no adverse comments submitted by any Baltimore County reviewing agency.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Solev, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

- 2 -

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare and is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 31st day of January, 1996 that the Petition for Variance seeking relief from Section 413.1.E.1 of the Baltimore County Zoning Regulations to permit a business identification sign of 40 sq.ft. per face (80 sq.ft. total) in lieu of the maximum permitted 15 sq.ft. sign, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their sign permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as

- 3 -

the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING

Date 1/31/96
By [Signature]

ORDER RECEIVED FOR FILING

Date 1/31/96
By [Signature]

ORDER RECEIVED FOR FILING

Date 1/31/96
By [Signature]

ORDER RECEIVED FOR FILING

Date 1/31/96
By [Signature]

- 4 -



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

January 31, 1996

Deborah Dopkin, Esquire
Rosolio, Silverman & Kotz
502 Washington Avenue, Suite 220
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
SE/S Lillian Holt Drive, 450' NE of the c/l of Kenwood Avenue
(5598 Trumps Mill Road)
14th Election District - 6th Councilmanic District
Gardens of Faith Cemetery - Petitioner
Case No. 96-249-A

Dear Ms. Dopkin:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Ms. Sarah Rex, Manager, Gardens of Faith Cemetery
5598 Trumps Mill Road, Baltimore, Md. 21206

People's Counsel

File



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 5598 Trumps Mill Road
which is presently zoned D.R. 3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 413.1E1 to permit a sign having an area of 40 square feet per face (for a total area of 80 square feet) in lieu of the permitted 15 square feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

Practical difficulty and such other reasons which will be presented at the hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

Deborah C. Dopkin

(Type or Print Name)

Deborah C. Dopkin

Rosolio, Silverman & Kotz, P.A.

502 Washington Avenue, #220

Towson, MD 21204 (339-7100)

State Zipcode

(We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.)

Legal Owner(s): Gardens of Faith Cemetery

By: Sarah Rex, Manager

(Type or Print Name)

Sarah Rex, Manager

Signature

(Type or Print Name)

Signature

5598 Trumps Mill Rd 666-1086

Address

BALTO MD 21206

City State Zipcode

Name, Address and phone number of representative to be contacted.

Name

Address

City State Zipcode

Name

Address

City State Zipcode

ESTIMATED LENGTH OF HEARING

available for Hearing 1/31-2/6 AMT.

the following date: Next Two Months

ALL OTHER

REVIEWED BY *[Signature]* DATE 2-14-95

#250

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.

658 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204

December 1, 1995

96-249-A

ZONING DESCRIPTION OF
GARDENS OF FAITH CEMETERY
5598 TRUMPS MILL ROAD
14TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

Beginning at a point on the southeast side of Lillian Holt Drive (70 feet wide) at the intersection with the northeast side of Trumps Mill Road (30 feet wide); thence running along the southeast side of Lillian Holt Drive, (1.) North 06° 47' 57" East 15.17 feet, (2.) by a curve to the left, having a radius of 714.07 feet, and an arc length of 297.18 feet, and (3.) North 36° 48' 20" East 2,283.49 feet to a point; thence running (4.) South 62° 59' 21" East 484.48 feet to a point on the southwest side of the Baltimore Beltway; thence running along said southwest side, (5.) South 34° 16' 29" East 262.40 feet, (6.) South 36° 18' 20" East 451.28 feet and (7.) South 31° 44' 25" East 216.29 feet to a point; thence running (8.) South 18° 16' 29" West 406.77 feet, (9.) South 03° 47' 05" East 354.30 feet, (10.) South 18° 16' 29" West 1,327.26 feet, (11.) South 18° 16' 29" West 30.87 feet to a point in the centerline of Trumps Mill Road, (12.) South 18° 16' 29" West 35.48 feet, (13.) North 62° 59' 21" West 2,051.68 feet, (14.) North 25° 25' 39" East 23.29 feet, (15.) North 64° 34' 21" West 87.47 feet, (16.) by a curve to the right, having a radius of 263.00 feet, and an arc length of 101.10 feet to the point of beginning. Containing 96.44 gross acres of land, more or less.

This description is for zoning purposes only and not to be used for conveyances or agreements.

250



CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 14th Date of Posting 1/31/96

Posted for: Variance

Petitioner: Gardens of Faith Cemetery

Location of property: 5598 Trumps Mill Rd.

Location of Sign: At entrance to property, near road, facing

Remarks:

Posted by: [Signature] Date of return: 1/31/96

Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 1/15, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1/11, 1996

THE JEFFERSONIAN,

A. Henrichsen
LEGAL AD., - TOWSON

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the proposed Variance from the Zoning Regulations of Baltimore County, at the County Office Building, 111 W. Chase Avenue, in Towson, Maryland, 21204, on Monday, January 30, 1996, at 10:00 a.m. in Room 111, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case #96-249-A

(Item 22)

5598 Trumps Mill Road

Gardens of Faith Cemetery

30 sq. ft. of proposed Variance

80 sq. ft. of proposed Variance

80 sq. ft. of proposed Variance

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BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 12-17-95 ACCOUNT 2001-6150

AMOUNT \$ 285.00

RECEIVED FROM UNCL (C2C) 250.00
5700 (080) 35.00

FOR 285.00

VALIDATION OR SIGNATURE OF CASHIER

PRINTED WITH COPY/STAMP INK ON RECYCLED PAPER



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 250 Petitioner: GARDENS OF FAITH
5598 TRUMPS MILL RD.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: DEBORAH C. DOPKIN
ADDRESS: 502 WASHINGTON AVENUE #220
TOWSON, MD 21204

PHONE NUMBER: 339-7100

Printed with Copy/Stamp Ink on Recycled Paper

12

TO: PUTTENZ PUBLISHING COMPANY
January 11, 1996 Issue - Jeffersonian

Please forward billing to:

Deborah C. Dopkin, Esq.
502 Washington Avenue #220
Towson MD 21204
339-7100

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-249-A (Item 250)

5598 Trumps Mill Road
Gardens of Faith Cemetery
SE/4 Lillian Holt Drive, 450' +/- NE of c/l of Kenwood Avenue
14th Election District - 6th Councilmanic
Legal Owner: Gardens of Faith Cemetery

Variance to permit a sign having an area of 40 sq. ft. per face (for a total area of 80 sq. ft.) in lieu of the permitted 15 sq. ft.

HEARING: TUESDAY, JANUARY 30, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Permits and Licenses
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3900
Fax: (410) 887-2824

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-249-A (Item 250)

5598 Trumps Mill Road
Gardens of Faith Cemetery
SE/4 Lillian Holt Drive, 450' +/- NE of c/l of Kenwood Avenue
14th Election District - 6th Councilmanic
Legal Owner: Gardens of Faith Cemetery

Variance to permit a sign having an area of 40 sq. ft. per face (for a total area of 80 sq. ft.) in lieu of the permitted 15 sq. ft.

HEARING: TUESDAY, JANUARY 30, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

ARNOLD JABLON
Director

cc: Sarah Rex
Deborah C. Dopkin, Esq.

- NOTES: (1) ZONING SIGN AND POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Copy/Stamp Ink on Recycled Paper



Baltimore County
Department of Permits and
Development Management

Permits and Licenses
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3900
Fax: (410) 887-2824

January 23, 1996

Deborah C. Dopkin, Esquire
Rosolio, Silverman & Kotz, P.A.
502 Washington Avenue, #220
Towson, MD 21204

RE: Item No.: 250
Case No.: 96-249-A
Petitioner: Gardens of Faith
Cemetery

Dear Ms. Dopkin:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on December 19, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commission, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)



Maryland Department of Transportation
State Highway Administration

David L. Winslead
Secretary
Hal Kassoff
Administrator

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 106
Towson, Maryland 21204

RE: Baltimore County
Item No. 250 (JCM)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2259 Statewide Toll Free
Relay Address: P.O. Box 217, Baltimore, MD 21203-0217
Street Address: 707 North Center Street, Baltimore, Maryland 21202

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: January 5, 1996

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item 243, 244, 245, 246, 247, 249 and 250

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey W. Long

Division Chief: Carol Kene

PK/JL

ITEM 243/PZONE/ZAC1

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 12/29/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF JAN. 2, 1996.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

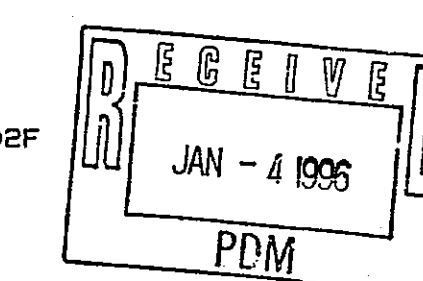
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS, 250, 251 AND 252.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Printed with Copy/Stamp Ink on Recycled Paper



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

Date: January 22, 1996

FROM: Robert W. Bowling, Chief
Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Item No. 250 and 252 for January 8, 1996

The Development Plans Review Division has received the subject zoning items and we have no comments.

RWB:bb
cc: File

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

May 3, 1995

(410) 887-4386

Deborah C. Dopkin, Esquire
Rosolio, Silverman & Kotz, P.A.
502 Washington Avenue, Suite 220
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
NE/Corner Trumps Mill Road and Lillian Holt Drive
(5598 Trumps Mill Road)
14th Election District - 6th Councilmanic District
Gibraltar Mausoleum-Corporation - Petitioner
Case No. 95-332-SPH

Dear Ms. Dopkin:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjjs

cc: Mr. Joseph J. Guidroz, Manager of Architecture,
Gibraltar Mausoleum Corp., 9102 N. Meridian Street, Suite 300,
Indianapolis, Indiana 46260

People's Counsel

File

Printed with Soybean Ink
on Recycled Paper

RE: PETITION FOR VARIANCE * BEFORE THE
5598 Trumps Mill Road (Gardens of Faith * ZONING COMMISSIONER
Cemetery), SE/S Lillian Holt Drive * OF
450' +/- NE of c/l of Kenwood Avenue * OF BALTIMORE COUNTY
14th Election District, 6th Councilmanic *
Gardens of Faith Cemetery * CASE NO. 96-249-A
Petitioner * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of January, 1996, a copy of the foregoing Entry of Appearance was mailed to Deborah C. Dopkin, Esquire, 502 Washington Avenue, Suite 220, Towson, MD 21204, attorney for Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

MEMORANDUM

I. Case No. 2900-S - Application for Special Permit for Use as a Cemetery or Burial Grounds

ORDER, dated May 16, 1954 by Wilsie H. Adams, Zoning Commissioner, granted application subject to a setback of one hundred (100) feet for any building or structure and/or grave or place of temporary or permanent interment from the western most boundary of said property and fifty (50) feet from the southern most outline of said property bordering Trump Mill Road.

Property then consisted of approximately One Hundred Twenty-three (123) acres

AMENDED ORDER, dated May 24, 1954, granted application subject to a setback for any building or structure and/or grave or place of temporary or permanent interment of at least one hundred (100) feet from the westernmost outline and of at least one hundred (100) feet from the southernmost outline of the property bordering Trump Mill Road.

II. Case No. 65-23-SPH - Petition for Special Hearing to Reduce Restrictive Setback Line from 100 feet to 10 feet for the land along Trump Mill Road

OPINION AND ORDER, dated July 30(?), 1964, by John G. Rose, Zoning Commissioner, reducing restricted setback along the southernmost boundary to twenty (20) feet from the existing right-of-way for Trumps Mill Road. Acreage of cemetery reduced by construction of Baltimore Beltway by about eight (8) acres.

III. Correspondence, 1978 - from Eric S. DiNenna, Zoning Commissioner to Larry Shirley, Acme Marble & Granite Co., Inc.

Letter responded to request for clarification of setback adjacent to Reservoir Road, determining that the required setback was one hundred (100) feet, and referencing only Case No. 2900-S.

III. Case No. 84-144-SPHA - Petition for Special Hearing to Amend the Site Plan previously approved in Case No. 2900-S to approve the construction of additional mausoleums; and Petition for Zoning Variance from Section 1B02.2.B to permit a distance between buildings of 28 feet instead of the required 100 feet (to allow building attachments by a fence instead of a required wall or breezeway).

ORDER, dated March 16, 1984, by Jean M.H. Jung, Deputy Zoning Commissioner, granting Special Hearing to Amend the Site Plan filed in Case 2900-S to permit construction of additional mausoleums and subject to conditions that:

1. The site plan indicate the maintenance building and;
2. A revised site plan incorporating the above restrictions be submitted and approved by the Office of Planning. and

ORDER, dated March 16, 1984, by Jean M.H. Jung, Deputy Zoning Commissioner, granting the Petition for Variances to permit a distance between buildings of 28 feet in lieu of the required 100 feet, subject to conditions contained in Special Hearing Order, above.

There was considerable community opposition to this Petition based on correspondence in the file.

IV. Case No. 94-13 SPHA - Petition for Special Hearing to expand service area of the cemetery and to confirm the actual on-site placement of the existing office, maintenance buildings and existing garage as shown on the Plan attached; and to modify Cases 2900-S and 65-23-SPH. (Please note: this case does not reference Case 84-144.)

ORDER, dated August 11, 1993, by Lawrence E. Schmidt, Zoning Commissioner, pursuant to Findings of Fact and Conclusions of Law, granted the variances requested, granted the Petition for Special Hearing approving an expansion of the service area and a confirmation of the actual on-site placement of the existing office, maintenance building and existing garage building, and approved a modification of the prior Case Nos. 2900-S and 65-23-SPH.

The area of site is shown as 96.33 acres, zoned DR 3.5. The Petition also requested numerous variances (see Exhibit A, attached) relating to a new office building, related parking and existing metal garage, the existing maintenance and office building and parking lot.

confidentiality memo

IN RE: PETITION FOR VARIANCE * BEFORE THE
5598 Trumps Mill Road * ZONING COMMISSIONER
SE/S Lillian Holt Drive * OF
450' NE of c/l of Kenwood Ave. *
14th Election District, * BALTIMORE COUNTY
6th Councilmanic District *
Gardens of Faith Cemetery * Case No. 96-249-A
Petitioner *

SUBPOENA

TO: Rahee J. Famili
Department of Permits and Development Management
Development Plans Review
111 W. Chesapeake Avenue
Towson, Maryland 21204
Mail Stop: 1105

YOU ARE HEREBY COMMANDED TO PERSONALLY APPEAR before the Zoning Commissioner of Baltimore County at 9:00 a.m., Tuesday, January 30, 1996 in Room 118, Old Courthouse, Towson, Maryland.

This Subpoena is requested by Petitioner; any questions should be referred to Deborah C. Dopkin, Esquire, Rosolio, Silverman and Kotz, P.A., Suite 220, Nottingham Centre, 502 Washington Avenue, Towson, Maryland 21204, (410) 339-7100.

Date Issued: 1/18/96

Timothy M. Kotroco
Zoning Commissioner for
Baltimore County

CERTIFICATION OF MAILING

I HEREBY CERTIFY, that on this 18th day of January, 1996, a copy of the foregoing Subpoena, was hand delivered and a copy mailed, postage prepaid to Rahee J. Famili, Department of Permits and Development Management, Development Plans Review, 111 W. Chesapeake Avenue, Towson, Maryland 21204.

Deborah C. Dopkin
Deborah C. Dopkin

Subpoena (Form) Subpoena

CONFIDENTIALITY MEMO

DEBORAH C. DOPKIN

TELEPHONE 410-339-7104
FAX NO. 410-339-7107

January 18, 1996

Ms. Gwen Stephens
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, Maryland 21204

RECEIVED
JAN 25 1996
ZONING COMMISSIONER

RE: Case No. 96-249-A
Gardens of Faith Cemetery

Dear Ms. Stephens:

Please include a copy of the enclosed Subpoena, which has been personally served on Mr. Famili, in the Zoning Commissioner's file for the above captioned case. Thank you.

Very truly yours,

Deborah C. Dopkin

DCD/kmc

Enclosure

cc: Deputy Zoning Commissioner for Baltimore County

PLEASE PRINT CLEARLY BALTIMORE COUNTY REPRESENTATIVES
SIGN-IN SHEET

NAME _____

NAME
SARAH REX

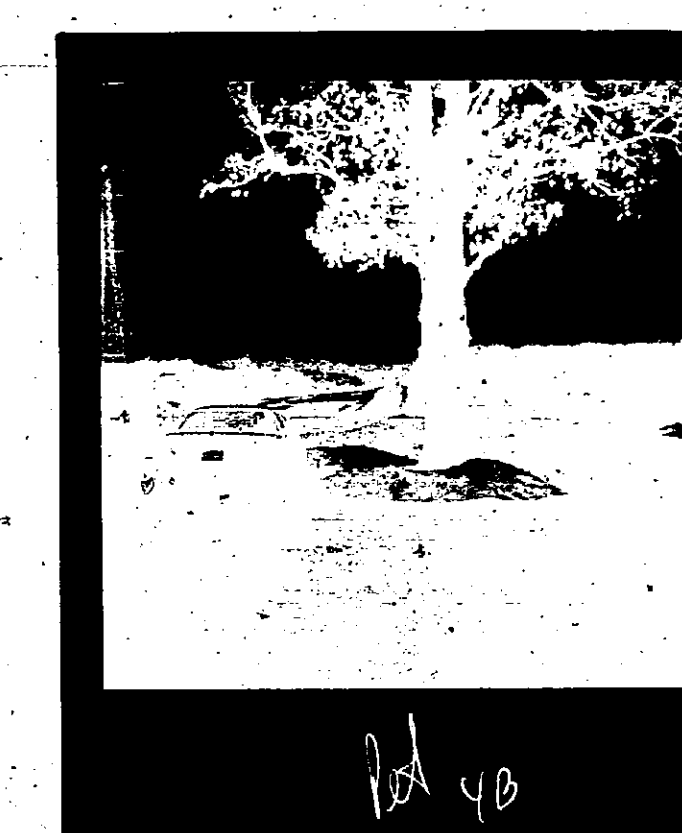
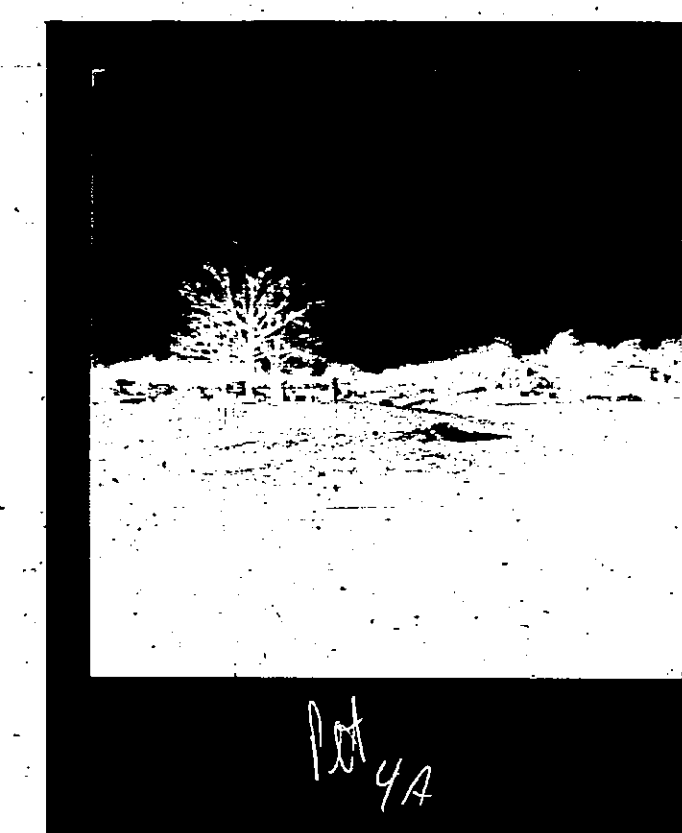
DAVID MARTIN-GU'S
Deborah Dopkin

ADDRESS

600 SAWAELN3E
BER AIR MD 21014
658 KENILWORTH DR TOLSON 21244
502 WASHINGTON AVE 21244

Petitioner's
Exhibit 2A-20
+ 4A 5/B

96-249-A
photograph



ZONING DESCRIPTION

1. N06°41'57"E 157'
2. R114.07' L291.18'
3. N36°49'20"E 2283.43'
4. S62°59'20"E 484.48'
5. S34°16'20"E 262.49'
6. S36°16'20"E 451.28'
7. S37°44'25"E 216.29'
8. S18°16'25"W 406.77'
9. S03°47'0"E 354.20'
10. S18°16'25"W 1327.26'
11. S18°16'25"W 30.87'
12. S18°16'25"W 35.48'
13. N62°59'20"W 205.68'
14. N25°25'39"E 23.29'
15. N64°34'12"W 87.41'
16. R253.00' L101.00'

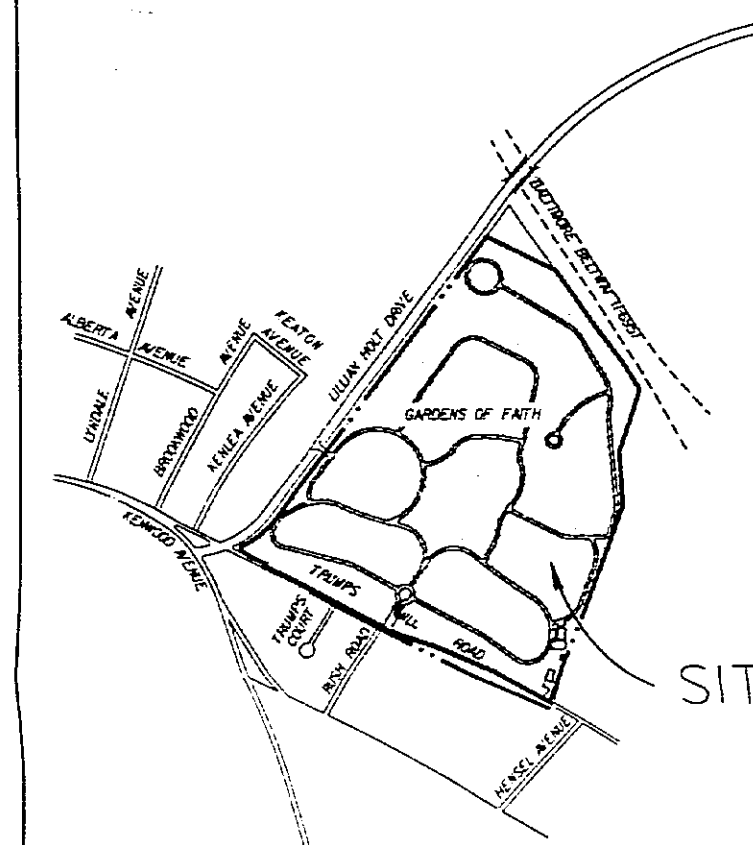
SIGN ELEVATION DETAIL SCALE 1/2" = 1'-0"

SITE TABULATION

1. Existing Zoning - DR-3.5
2. Gross Area of Site - 96.33 Ac.-/-
3. Net Area of Site - 93.31 Ac.-/-

GENERAL NOTES

1. This site lies within the 14th Election District.
2. This site lies within the 6th Councilmatic District.
3. Deed References: 3183/204, 3319/131, 3527/391, 3847/115, 4049/16, and 4101/416
4. Property Account No. 17-00-004900
5. Existing Use of Property - Cemetery
6. This site is served by public water and public sewer.
7. The overall property boundary shown herein has been taken from a survey prepared by Silbermann and Associates, dated July 10, 1992.



VICINITY MAP
SCALE 1" = 1000'

PLAT TO ACCOMPANY A
PETITION FOR A
SIGN VARIANCE

GARDENS OF FAITH
CEMETERY

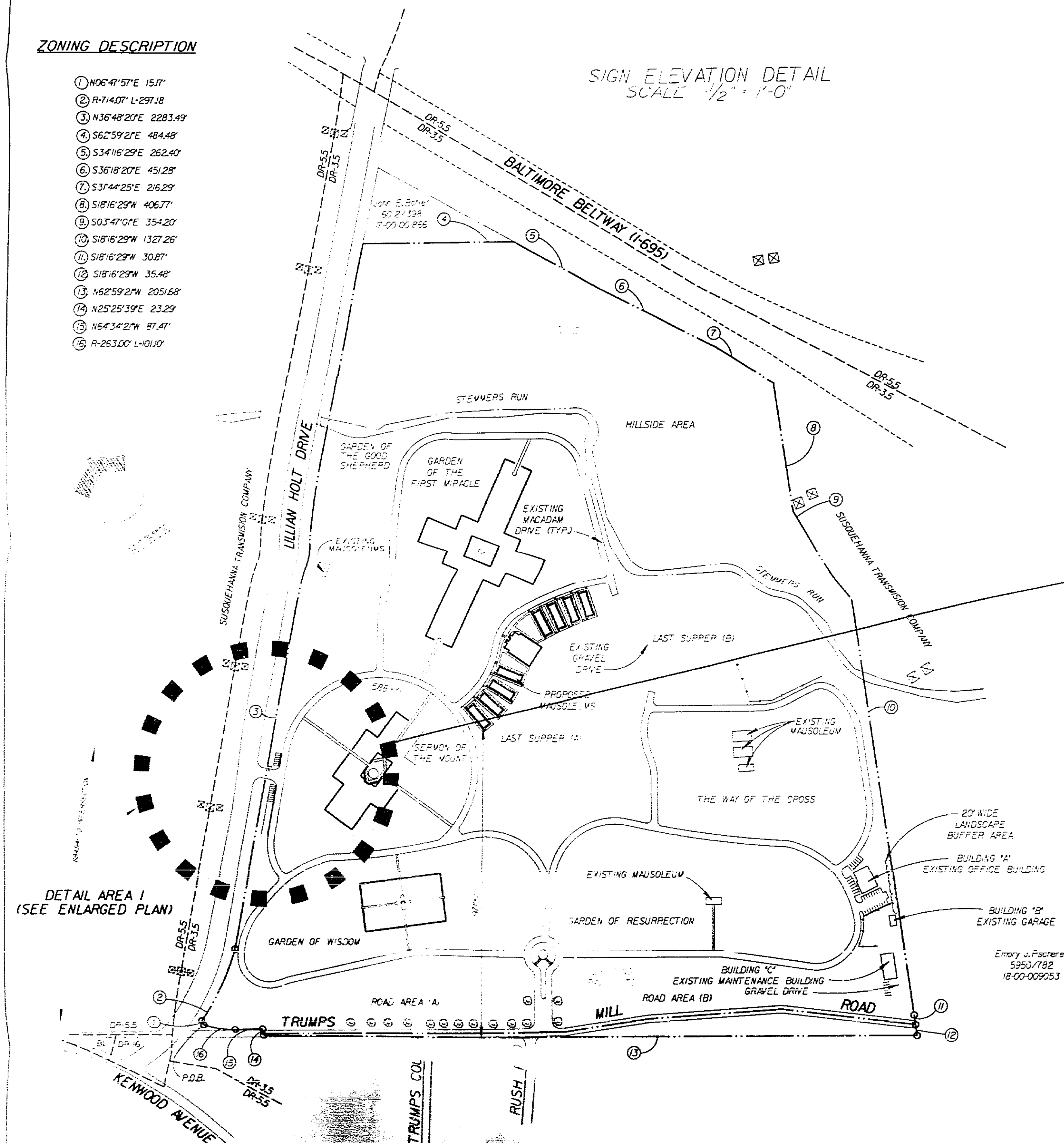
5598 TRUMPS MILL ROAD

SCALE: AS SHOWN
DATE: DECEMBER 1, 1995

OWNER:
GIBALTER MAUSOLEUM CORPORATION
9102 N. MERIDIAN STREET
SUITE 300
INDIANAPOLIS, INDIANA 46260
(317) 580-0086

ZONING OFFICE USE ONLY!

Reviewed by _____ Item # _____ Case No. _____



DETAIL AREA I
(SEE ENLARGED PLAN)
SCALE 1" = 50'

SPECIAL ZONING HEARINGS

CASE NO. 2900-S
Date of Order: July 24, 1994 (amended order)
Order: Special permit granted for use of the property for a cemetery on burial ground.
Restrictions: Any building or structures and any grave place of temporary or permanent interment should be required to have a setback of at least 100 feet from the westernmost outline of said property and of at least 100 feet from the southernmost outline of said property bordering on Trump Mill Road.

CASE NO. 65-23-SPH
Date of Order: July 30, 1994 (amended order)
Order: That the restriction setback along the southernmost boundary of the property be and the same is hereby reduced to 20 feet from the existing right of way for Trumps Mill Road and that no permanent structure or graves be placed within said 20 foot setback.

CASE NO. 84-44-SPH
Date of Order: March 6, 1994
Order: Granting the petition for variances to permit a distance between buildings 28 feet in lieu of the required 100 feet, subject to conditions contained in Special Hearing Order.
Conditions: The site plan indicate the no. reference building. A revised site plan incorporating the above restrictions be submitted and approved by the Office of Planning.

CASE NO. 94-13-SPH
Date of Order: August 11, 1994
Order: Approval of an expansion area and a confirmation of the actual on-site placement of the existing office, maintenance building and existing garage building, located for the modification of the restriction afforded in cases No. 2900-S and 65-23-SPH.
Restrictions: The Petitioner may apply for this building permit and be granted same upon redaction of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the thirty day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

CASE NO. 95-332-SPH
Date of Order: May 3, 1995
Order: Approval of the requested amendment to the original site plan, permitting the placement of mausoleums on the property.

Per 1103

NOTE:
This Plat is for Zoning purposes only and is not intended to be used for Conveyances or Agreements.

NOTE:
This plat was prepared utilizing available information and observation.

SECTION 40-CEMETERIES (B.C.Z.R. 1955)

The zoning commissioner or Board of Zoning Appeals, on appeal, may require a minimum setback from any property, building, structure, grave, or place of temporary or permanent interment and may require such walls, fences, or planting of trees, shrubs, or vines as may be reasonable and proper to afford adequate screening. (B.C.Z.R. 1955.)

GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.

CIVIL ENGINEERS & LAND SURVEYORS

658 KENILWORTH DRIVE, SUITE 400
TOWSON, MARYLAND 21204
(410) 826-8700



96-247-96



052

BALTIMORE COUNTY
OFFICE OF PLANNING AND